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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,814	01/10/2001	Nobuhiro Komata	SCEI 17.986	7365

26304 7590 07/29/2003

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EXAMINER

ARNOLD, ADAM

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 07/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,814

Applicant(s)

KOMATA, NOBUHIRO

Examiner

Adam Arnold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The examiner acknowledges the receipt and entry of the applicant's amendment.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinelli, U.S. Patent No. 5,943,044. Referring to claim 1, Martinelli discloses a recording medium on which is recorded a computer-readable and executable software program (i.e. "graphical user interface" col. 7, lines 43-45) that performs processing (col. 7, line 44) by taking as instructions an output from a controller of a computer the controller having pressure-sensitive means (col. 7, lines 34-38), where the software comprises a processing program that moves an object with a screen of a computer display depending on the output of the controller, wherein a distance moved by the object is uniquely determined by an output of said controller indicative of a highest pushing pressure exerted on the pressure-sensitive means during a current operating cycle (col. 7, lines 43-48) and (col. 8, lines 31-32 where "actual pressure" is interpreted to mean highest pressure). Martinelli does not disclose a "TV monitor of the computer." At the time the invention was made it would have been obvious to a person of ordinary skill in the art to display the messages on a computer display as opposed to a television monitor of the computer. One of

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ordinary skill in the art would have been motivated to do this because a television monitor is the functional equivalent of a computer display for the purpose of computer graphics displays.

Referring to claim 2, Martinelli further discloses where a distance of movement of an object on the display is determined by the rate of change of the output value of the controller (col. 8, lines 32-35).

Referring to claim 3, Martinelli further discloses where the distance of movement of the object is determined by the rate of change per unit time of an output value of the controller determined by utilizing the rate of change and the current position of the object (col. 8, lines 36-40).

Referring to claim 4, the remarks presented above with respect to claim 1 apply equally to this claim.

Referring to claim 5, the remarks presented above with respect to claim 2 apply equally to this claim.

Referring to claim 6, the remarks presented above with respect to claim 3 apply equally to this claim.

Referring to claim 7, the remarks presented above with respect to claim 1 apply equally to this claim.

Referring to claim 8, the remarks presented above with respect to claim 2 apply equally to this claim.

Referring to claim 9, the remarks presented above with respect to claim 3 apply equally to this claim.

Response to Arguments

1. Applicant's arguments filed June 20, 2003 have been fully considered but they are not persuasive. In response to applicant's argument (last paragraph of page 5) that Martinelli fails to disclose selecting an output signal as a function of a highest pushing pressure exerted during an operating cycle of a pressure-sensitive means, the examiner disagrees. Martinelli discloses where "the touchpad has the capability of directly measuring the *actual pressure* applied by the operator" in order to determine how far an object moves (col. 8, lines 31-32). This seems to imply that the distance an object moves will be directly proportional to the greatest pressure applied to the pressure-sensitive means. In response to applicant's argument that Martinelli fails to disclose a three-dimensional jump in a video game (bottom of page 5), this limitation is not part of the claims in this case.

The rejections to these claims stand.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Adam Arnold** whose telephone number is **703-305-8413**. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso, can be reached at (703) 305-3885.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).



**JOSEPH MANCUSO
PRIMARY EXAMINER**